



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,614	12/14/2000	Jea-Yong Yoo	2950-0179P	5790
2292 7590 03/09/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PILLAI, NAMITHA	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
3 MONTHS			03/09/2007	
			DELIVERY MODE	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/735,614

Applicant(s)

YOO ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17, 19, 20, 29-33, 35, 36, 45-47, 51-53, 57, 59, 61, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17, 19, 20, 29-33, 35, 36, 45-47, 51-53, 57, 59, 61 and 63-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 12/13/06 including amendments to claims 13, 29 and 61, the cancellation of claims 21-24, 37-40, 48, 49, 54, 55, 58, 60 and 62. All pending claims have been rejected as being previously disclosed or obvious over previously disclosed prior arts.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 61, 63 and 64 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 504, 996 B1 (Na et al.), herein referred to as Na.

Referring to claim 61, Na discloses a menu control method for a DVD player being coupled to a digital TV via a digital interface (Figure 4 and column 4, lines 32-42). Na discloses the digital TV and the DVD player communicating to each other using predetermined communication protocols over the digital interface (column 4, lines 13-16). Na discloses that the digital TV includes a set of commands prestored therein for communication with the DVD player (column 8, lines 57-column 9, lines 1-5). Na discloses receiving a specific command from the digital TV over the digital interface, the

Art Unit: 2173

specific command being one of the commands from the command set prestored in the digital TV and generated in response to a user's selection of a menu item displayed on the digital TV (column 8, lines 50-55). Na discloses interpreting the received command associated with the selected menu item, obtaining information in response to the specific command and transmitting the obtained information to the digital TV over the digital interface for displaying on the digital TV (column 8, lines 50-62). Na discloses that the video apparatus, which is the digital TV and the DVD player are separated from each other and are operated separate from each other, with each device carrying out its intended functionalities and communicating between each other through IEEE 1394 as shown in Figure 4. Na discloses that a user interface for display to the digital TV that is transmitted is supplied from the DVD player to the digital TV (column 1, lines 10-13). Na discloses that in response to requests for displaying new menu pages to be displayed on the digital TV, data is obtained from the DVD player, converted, and then transmitted through the IEEE 1394 interface to the digital TV to be displayed as shown in Figure 5 (column 8, lines 17-60).

Referring to claim 63, Na discloses that the selected menu item identifies a function or operation of the DVD player (column 3, lines 18-22).

Referring to claim 64, Na discloses that the digital interface is an IEEE 1394 interface (column 4, lines 13-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-17, 19, 20, 29-33, 35, 36, 45-47, 51-53, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 246,401 B1 (Setogawa et al.), herein referred to as Setogawa and in view of Na.

Referring to claims 13 and 29, Setogawa discloses a menu-driven remote control method of a video apparatus connected to a disc device via a digital interface (column 3, lines 47-53 and Figure 5). Setogawa also discloses being able to reproduce a recording medium with contents recorded thereon (column 1, lines 7-11). Setogawa also discloses displaying on the video apparatus a first menu page generated by the video apparatus, within which the page is displayed wherein this apparatus is independent of the disc device (column 17, lines 20-35), with first type menu items associated with functions or operations of the disc device (column 9, lines 1-10), referred to as the basic DVD system menu. Setogawa discloses items within the first menu that when chosen takes the user to a second type menu item for requesting a new menu page that is suppliable from the recording medium, wherein the menu data is supplied by the DVD player (column 10, lines 8-35 and column 11, lines 1-3). Setogawa has also previously discussed wherein the recording apparatus, which is the DVD player, provides the menu screen data (column 1, lines 7-15). Setogawa also discloses constructing, if the second type menu item is selected from the displayed first menu page, a command in association with the selected second type menu item, and transmitting the constructed command to said disc device (column 10, lines 29-35).

Art Unit: 2173

Setogawa also discloses receiving the new menu page from the recording medium, wherein this new menu page is the chapters page received from the DVD player and displaying, on the video apparatus (reference number a, Figure 3), the received new menu page and sending, if a sub-menu item is selected from the displayed new menu page, selection information on the selected sub-menu item to said disc device that reproduces recorded contents of the recording medium based on the selection information, wherein the selection of the chapters takes one to the contents of that selected chapter and presenting the reproduced contents received from said disc device (column 1, lines 31-36), wherein the sub-stories are the chapters of a story, and when chosen displays the contents of those sub-stories or chapters to the user in the video apparatus of the data received from the DVD player. Setogawa discloses a recording apparatus for DVD and an apparatus wherein used for displaying and interacting with contents of the DVD, represented as the video apparatus. But a more clear description is provided in Na, wherein a digital TV and DVD player explicitly interact with each other and transmit commands between each other through a digital interface (Figure 4 and column 5, lines 5-10). Na teaches wherein commands are relayed from the DVD player to the digital TV, and further that commands are relayed from the digital TV to the DVD player. Na discloses that the video apparatus, which is the digital TV and the DVD player are separated from each other and are operated separate from each other, with each device carrying out its intended functionalities and communicating between each other through IEEE 1394 as shown in Figure 4. Na discloses that the system controller within the DVD player includes memory, where the DVD player is responsible for

Art Unit: 2173

transmitting the data that is displayed onto the digital TV (column 2, lines 10-25). It would have been obvious for one skilled in the art, at the time of the invention to learn from Na to further teach explicitly the interaction of DVD players and digital TV's using a digital interface for transmission of commands. Both Setogawa and Na discuss DVD players and the use of such with a video apparatus, wherein Setogawa mainly teaches the creation and manipulation of menus related to DVD's. Na teaches the functionality of a DVD player, and also discusses the display of menus common to DVD systems as also taught in Setogawa and the displaying of menus, further teaching in detail the transmission of commands and the use of a digital interface to communicate between the video apparatus and disc device. Hence, it would have been obvious for one skilled in the art at the time of the invention to learn from Na to teach the functionality and relationship between the disc device and video apparatus.

Referring to claims 14 and 30, Setogawa discloses that the first type menu items are displayed with menu data stored in a memory of the video apparatus (column 1, lines 11-13).

Referring to claims 15 and 31, Setogawa and Na disclose that the first menu items are related with playback operation (Na, column 9, lines 31-34). Setogawa also discloses a typical display menu with operations including (Figure 3), wherein the menu displays previous and next operations representing forward and backward operations.

Referring to claims 16 and 32, Setogawa discloses that the selection information includes position information associated with a cursor pointed to a certain sub-menu

Art Unit: 2173

item on the new menu page displayed (column 3, lines 50-53 and column 10, lines 29-35).

Referring to claims 17 and 33, Setogawa and Na discloses constructing, if one of the first type menu items is selected, a command in association with the selected first type menu item, and transmitting the constructed command to said disc device that conducts a function or operation corresponding to said selected first type menu item (column 1, lines 12-15), wherein the command is transmitted over a digital interface (column 9, lines 5-10).

Referring to claims 19 and 35, Setogawa discloses highlighting any selected first or second type menu item to distinguish from non-selected menu items (column 11, lines 31-36).

Referring to claims 20 and 36, Setogawa discloses that the new menu page is a title menu page, an audio menu page, or a chapter menu page (Figure 3 and column 10, lines 24-28).

Referring to claims 45 and 51, Setogawa and Na disclose that the video apparatus is a digital TV (Na, Figure 4).

Referring to claims 46 and 52, Setogawa and Na disclose that the disc device is a DVD player (Na, Figure 4).

Referring to claims 47 and 53, Setogawa and Na disclose that the recording medium is a DVD (Setogawa, Figure 5).

Referring to claims 57 and 59, Setogawa and Na disclose that the digital interface is an IEEE 1394 interface (Na, Figure 4).

Response to Arguments

4. Applicant's arguments, filed 12/13/06, with respect to the 35 U.S.C. 112, first paragraph rejection have been fully considered and are persuasive. The rejection of claims 13, 21, 29, 37 and 61 under 35 U.S.C. 112, first paragraph rejection has been withdrawn.

5. Applicant's arguments with respect to the prior art rejections have been fully considered but they are not persuasive.

Na discloses two devices, which include components with that allow for the functionality to be realized. The two devices include a DVD player and a digital TV, which are connected through an IEEE 1394 network. Therefore, any transmission, obtaining and displaying of information is carried out through these two devices and the IEEE 1394 network. Any data memory that is stored, or information obtained is from the DVD player as pictured in Figure 5 of Na. Na furthermore recites that the commands from the user are for the display of menu screens, where in response to this command, data that is obtained and converted is done so within the DVD system (column 8, lines 17-29) and then transmitted to the digital TV (Figure 5).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2173

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

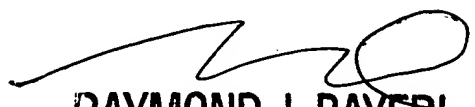
Art Unit: 2173

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG
89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
March 5, 2007



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173